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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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08/844,267 04/18/97 MENARD

A 148-1123

EXAMINER

IM71/1120

MCCORMICK PAULDING AND HUBER
CITYPLACE II
185 ASYLUM STREET
HARTFORD CT 06103-4102

DIXON, M

ART UNIT

PAPER NUMBER

1774

DATE MAILED:

11/20/98

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 8/14/98

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

**MERRICK DIXON
PRIMARY EXAMINER
GROUP 1300**

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arai et al('4730 in view of Bryant('696) for reasons as set forth in the previous office action, inter alia.

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Applicant's arguments filed 8-14-98 have been fully considered but they are not persuasive. Applicants argue that 1) the Arai et al patent's drum is intended for a different usage than that of the claimed invention. To this the examiner respectfully reminds applicants that the intended use of a product would not manipulatively distinguish it from the cited reference particularly as process steps are claimed. Applicants argue that 2) the examiner interpreted element 9 in the cited reference as a "skin" and such interpretation is incorrect. Again the examiner wishes to remind applicants that the claimed invention is directed to process steps and not device limitations as argued.

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Applicant argue that 3) the cited reference fails to “generate” a fluid bearing in its device. The examiner would disagree. The claim calls for a fluid bearing in its device and the examiner thus submits that such an employment in the cited reference’s device would have been obvious in the absence of unexpected results. Applicants finally argue that the reference fails to teach removing the resulting assembly from a mandrel. To this the examiner wishes to remind applicants that the employment of such notoriously well known devices such as mandrels would have been used, in the absence of unexpected results, by one of ordinary skill in the art. Concerning claim 17, it is submitted that the cited references, as set forth, teaches the claimed limitations as discussed in the previous office action, inter alia, and for reasons as discussed above.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Crystal Mall 1 Fax Center

A facsimile center has been established in Crystal Plaza 3. The hours of operations are Mondays through Friday, 8:45 to 4:45 PM. This new location should be used in all instances when faxing any correspondence to Group 1300. The Patent Examining Fax Center new telecopier numbers are (703) 305-3599 for all After Finals and 703-305-5408 for all others. Use of the new Crystal Plaza 3 center will facilitate rapid delivery of materials to the group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).


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Any questions concerning this communication should be directed to Examiner Merrick Dixon at
703-308-0013.

A handwritten signature in black ink, appearing to read "Merrick Dixon", written in a cursive style.

Merrick Dixon

Primary Examiner

Group 1300